

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PAVON EMILIO,) 4:13CV3088
)
Plaintiff,)
)
v.)
)
ROBERT P. HOUSTON, Director,)
FRED BRITTEN, Warden, and L.)
ANTHOLZ, Officer,)
)
Defendants.)

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion for Discovery. (Filing No. [26](#).) In the Motion, Plaintiff asks for leave to engage in discovery prior to the issuance of a progression order. ([Id.](#)) Liberally construed, Plaintiff seeks leave to serve one set of interrogatories on Defendants Houston and Britten to assist him in discovering the address of Defendant Antholz. ([Id.](#)) Upon careful consideration,

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Discovery (filing no. [26](#)) is granted. Plaintiff may engage in discovery prior to the issuance of the progression order for the limited purpose of identifying and obtaining addresses for Defendants named in the Complaint.

2. Plaintiff shall have until April 30, 2014, to complete service of process on Defendant Antholz.

3. To obtain service of process on Defendant Antholz, Plaintiff must complete and return the summons forms that the Clerk of the court will provide. The Clerk of the court shall send ONE (1) summons forms and ONE (1) USM-285 forms to Plaintiff together with a copy of this Memorandum and Order. Plaintiff shall, as

soon as possible, complete the forms and send the completed forms back to the Clerk of the court. In the absence of the forms, service of process cannot occur.

4. The Clerk of the Court is directed to set a pro se case management deadline in this case with the following text: "April 30, 2014: Check for service of summons on Defendant Antholz."

DATED this 12th day of March, 2014.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

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